



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,570	10/24/2001	Gilbert Cabillic	TIF-32157	5072
23494	7590	01/17/2007	EXAMINER	
TEXAS INSTRUMENTS INCORPORATED			STEELEMAN, MARY J	
P O BOX 655474, M/S 3999			ART UNIT	PAPER NUMBER
DALLAS, TX 75265			2191	
			MAIL DATE	DELIVERY MODE
			01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/003,570

**Applicant(s)**

CABILIC ET AL.

**Examiner**

Mary J. Steelman

**Art Unit**

2191

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a)  The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a)  They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b)  They raise the issue of new matter (see NOTE below);  
 (c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5.  Applicant's reply has overcome the following rejection(s): See Continuation Sheet.  
 6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: Examiner maintains the rejection of claims 1-15, 18-24.

Claim(s) withdrawn from consideration: 16,17 and 25-27.

**AFFIDAVIT OR OTHER EVIDENCE**

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
 13.  Other: \_\_\_\_\_.

*Mary Steelman  
Primary Examiner 1-3-2007*

Continuation of 5. Applicant's reply has overcome the following rejection(s): Amendment to claim 24 overcomes the prior 112 2nd paragraph rejection of the Final Office Action..

Continuation of 11. does NOT place the application in condition for allowance because: Applicant has argued, in substance, the following:

(A) As noted in Remarks, page 9, last paragraph, Venkatraman's pre-load analyzer determines which classes are needed-NOT a program code characteristic.

Examiner's Response: The Specification fails to explicitly define "desired program code characteristic". As such, Examiner's response (Venkatraman: Col. 3, lines 57-60, "The pre-load analyzer analyzes the application program to determine which classes are needed for it to execute on the target device. The pre-load analyzer bases its analysis on a set of methods which are invoked by the application program.") is maintained. Determining which classes are needed for execution on a target device does provide a desired program code characteristic.

(B) As noted on page 10, 1st paragraph, "Venkatraman's apparatus does not choose binary codes according to their efficiency on a specific target device."

Examiner's Response:

This is not a claim limitation.

(C) As noted on page 10, 2nd paragraph, "Venkatraman discloses a virtual machine that interprets such does NOT mean 'translates into instructions'...there is no generation of instructions when a virtual machine interprets.

Examiner's Response: See Abstract, "The tools build the custom environment including a set of code for a virtual machine..." Col. 2, lines 63-65, "a software developer for the target device to assemble together only those classes that are needed to support a desired application." (build a virtual machine / generating program source code for translating high level code into instructions for said target processor).

(D) As noted on page 11, last paragraph, there is no motivation to combine Venkatraman and Davis.

Examiner's Response:

Examiner disagrees. Davis disclosed (col. 4, lines 41-43) a method and system for dynamically relocatable hardware object development and execution. Davis disclosed (col. 5, lines 52-61) a source program, compiler / converter into an object program, calls to library routines, resulting in load module as output, to get the executable code into a computer system and executing the program.

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention to modify Venkatraman's invention to include such disclosures as Davis' for reconfigurable resources, which includes virtual processors, because software used to develop processors is known in the art and is useful for developing and debugging code to be applied to resources.